

**Introduced by Senator Florez**

January 30, 2007

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An act to amend Section 2890.2 of the Public Utilities Code, relating to telecommunications.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 158, as introduced, Florez. Telecommunications: mobile telephony services: handsets.

Under existing law, the Federal Communications Commission licenses and partially regulates providers of commercial mobile radio service, including providers of cellular radiotelephone service (cellular), broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services (collectively, mobile telephony service providers). Under existing law, no state or local government may regulate the entry of, or the rates charged by, any commercial mobile radio service, but a state or local government is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service. Existing law requires a provider of mobile telephony services to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage.

This bill would require that a provider of mobile telephony services, upon request, remove or deactivate any device in a handset that prevents the subscriber from using that handset to activate service with a different mobile telephony services provider, upon the customer completing the term of a service contract or completing purchase of the handset.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 2890.2 of the Public Utilities Code is amended to read:

2890.2. (a) A provider of mobile telephony services shall provide subscribers with a means by which a subscriber can obtain reasonably current and available information, as determined by the provider, on the subscriber's calling plan or plans and service usage, including roaming usage and charges.

(b) On or before January 1, 2007, a provider of mobile telephony services shall provide subscribers with a means by which a subscriber can obtain reasonably current and available information, as determined by the provider, on the subscriber's text messaging and Internet usage and charges.

(c) Each provider of mobile telephony services shall inform subscribers at the time service is established of the availability of the information described in subdivisions (a) and (b) and how it may be obtained.

*(d) A provider of mobile telephony services shall, upon request, remove or deactivate any device in a handset that prevents the subscriber from using that handset to activate service with a different mobile telephony services provider, upon the customer completing the term of a service contract or completing purchase of the handset.*

~~(d)~~

(e) For purposes of this section, "mobile telephony services" means commercially available interconnected mobile phone services that provide access to the public switched telephone network (PSTN) via mobile communication devices employing radiowave technology to transmit calls, including cellular radiotelephone, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR). "Mobile telephony services" does not include mobile satellite services or mobile data services used exclusively for the delivery of nonvoice information to a mobile device.